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Message Text

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62
ACTION PER-03

INFO OCT-01 SS-15 ISO-00 /019 W
---------- 015998
R 262007Z NOV 76
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 2357

S E C R E T SANTIAGO 11321

STADIS//////////////////////////////

FOR DG/EM

E.O. 11652: XGDS-2
TAGS: AMGT
SUBJECT: SANTIAGOSTELEPHONE DIRECTORY

REF: SANTIAGO 10624 AND PREVIOUS

1. WE HAVE CONTINUED DISCUSSIONS REGARDING THE SANTIAGO TELEPHONE DIRECTORY WITH THE LOCAL AFSA CHAPTER. THE LOCAL CHAPTER HAS NOW INTRODUCED THREE NEW DEMANDS FOR INCLUSION IN A LOCAL AGREEMENT. THESE ARE:

A) THAT CONCLUDING A LOCAL AGREEMENT ON THE SANTIAGO TELEPHONE DIRECTORY WOULD NOT PRECLUDE AFSA/WASHINGTON FROM BRINGING A CASE AGAINST THE DEPARTMENT ON CONSTITUTIONAL GROUNDS IN A PROPER FORUM AT ANY TIME.

B) THAT IF AFSA BROUGHT SUIT AND WON OUR LOCAL AGREEMENT WOULD BE NULL AND VOID AND THE LOCAL AFSA CHAPTER COULD PRUBLISH ITS OWN PHONE BOOK.

C) THAT IF AFSA BROUGHT SUIT AND LOST OUR LOCAL AGREEMENT WOULD CONTINUE TO BE VALID.

2. IN ADDITION, THE LOCAL AFSA CHAPTER WANTS A "GENTLE-MAN'S AGREEMENT" THAT THE EMBASSY WILL TAKE NO FURTHER STEPS TO COLLECT OLD PHONE BOOKS WHICH CONTAIN ALL THE
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INFORMATION THEY ARE NOT SUPPOSED TO CONTAIN BY, FOR

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INSTANCE, GIVING SECURITY VIOLATIONS TO THOSE WHO KEEP
SUCH OLD PHONE BOOKS AND ARE DISCOVERED.

3. COMMENT. WE HAVE BASICALLY BEEN PRESENTED WITH A
"HEADS I WIN, TAILS YOU LOSE" PROPOSITION ON THIS ISSUE.
IN THE FINAL ANALYSIS WE ARE DEALING WITH A SECURITY
MATTER WHICH IS A RESERVED MANAGEMENT RIGHT AND EXCLUDED
FROM THE AMBIT OF E.O. 11636. WE HAVE MADE A LONG,
FRUSTRATING AND FRUITLESS EFFORT TO REACH ACCOMMODATION
IN OUR LOCAL DISCUSSIONS ON THIS SUBJECT. IMPORTANT ISSUES
HAVE BEEN RAISED AND THEY SHOULD BE SETTLED EITHER IN
COURT OR UNDER THE ADJUDICATORY PROCESS ESTABLISHED BY
E.O. 11636. FOR THE EMBASSY TO PROCEED FURTHER IN "LOCAL
DISCUSSIONS" WHICH CANNOT RESOLVE THE "CONSTITUTIONAL" AND
"CONSULTABILITY" ISSUES IS A WASTE OF EVERYONE'S TIME.

4. THEREFORE, IN VIEW OF OUR FAILURE "TO AGREE ON THE
RESOLUTION OF A LOCAL ISSUE AFTER DISCUSSION" THE EMBASSY
HEREWITH SUBMITS THE MATTER TO THE DEPARTMENT FOR
APPROPRIATE RESOLUTION IN ACCORDANCE WITH SECTION 10
OF THE "GUIDELINES FOR IMPLEMENTATION OF E.O. 11636 AT
FOREIGN SERVICE POSTS" FORWARDED TO THE FIELD UNDER
A-3007 OF APRIL 5, 1973.
BOYATT

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